

Translation

PATENT COOPERATION TREATY

PCT

PCT/JP2003/013599



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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 663873	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/JP2003/013599	International filing date (day/month/year) 24 October 2003 (24.10.2003)	Priority date (day/month/year) 28 October 2002 (28.10.2002)	
International Patent Classification (IPC) or national classification and IPC G03F 7/20, H01L 21/027, G11B 7/26			
Applicant MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD.			

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>	
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input checked="" type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>	

Date of submission of the demand 18 March 2004 (18.03.2004)	Date of completion of this report 22 October 2004 (22.10.2004)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2003/013599

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language _____, which is language of a translation furnished for the purpose of:
- ☐ international search (under Rules 12.3 and 23.1(b))
- ☐ publication of the international application (under Rule 12.4)
- ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☒ The international application as originally filed/furnished
- ☐ the description:
- pages _____, as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ the claims:
- pages _____, as originally filed/furnished
- pages* _____, as amended (together with any statement) under Article 19
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ the drawings:
- pages _____, as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

 International application No.
 PCT/JP 03/13599

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	2-10, 15, 16	YES
	Claims	1, 11-14	NO
Inventive step (IS)	Claims		YES
	Claims	1-16	NO
Industrial applicability (IA)	Claims	1-16	YES
	Claims		NO

2. Citations and explanations

The invention that is set forth in claims 1 and 11-14 lacks novelty in the light of document 1 (JP 2002-287371 A (Toshiba Corp.), 03 October 2002) cited in the international search report.

The invention that is disclosed in document 1 is an optical disk recording device wherein according to the bit length, a deflection means changes the shielding factor of the shielding means so as to adjust the size of the spot from the electron beam.

The inventions that are set forth in claims 2-6, 8, 15 and 16 do not involve an inventive step in the light of document 1 cited in the international search report.

The shielding plate and the blanking plate are provided separately in the invention that is disclosed in document 1; however, a person skilled in the art could configure so that the functions of the aforementioned plates are performed by a single plate, as appropriate.

The invention that is set forth in claims 6 and 7 does not involve an inventive step in the light of document 1 and document 2 (JP 52-117547 A (Tokyo Shibaura Electric Co., Ltd.), 03 October 1977) cited in the international search report.

The invention that is disclosed in document 2 is an electron beam exposure device wherein a plurality of

openings are provided in the blanking plate and the blanking voltage is switched between three or more values in order to use a combination of thin beams and thick beams.

It would be obvious to a person skilled in the art to apply the means for controlling the size of the beam that is disclosed in document 2 in the optical disk recording device that is disclosed in document 1.

The invention that is set forth in claims 6, 9 and 10 does not involve an inventive step in the light of document 1, document 3 (JP 9-205051 A (Hitachi, Ltd.), 05 August 1997) and document 4 (JP 2-237106 A (Nippon Telegraph and Telephone Corporation), 19 September 1990) cited in the international search report.

Documents 3 and 4 disclose beam exposure devices that comprise means for continuously changing the opening(s).

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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Box No. VI Certain documents cited

1. Certain published documents (Rule 70.10)

Application No. Patent No.	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
JP 2003-332217 A [E, X]	21 November 2003 (21.11.2003)	15 May 2002 (15.05.2002)	
JP 2003-51437 A [P, X]	21 February 2003 (21.02.2003)	06 August 2001 (06.08.2001)	

2. Non-written disclosures (Rule 70.9)

Kind of non-written disclosure	Date of non-written disclosure (day/month/year)	Date of written disclosure referring to non-written disclosure (day/month/year)